

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

China Evergrande Group, *et al.*,¹

Debtors in Foreign Proceedings.

Chapter 15

Case No. 23-11332 (MEW)

Joint Administration Requested

**ORDER PURSUANT TO
FEDERAL RULES OF BANKRUPTCY PROCEDURE 2002 AND 9007
REQUESTING ENTRY OF AN ORDER (I) SCHEDULING THE RECOGNITION
HEARING, AND (II) APPROVING FORM AND MANNER OF SERVICE OF NOTICE**

Upon the motion (the “Motion”)² of the Foreign Representatives for the above-captioned debtors (the “Debtors”, and, together with the Subsidiary Guarantors, the “Company”) that are subject to the Foreign Proceedings, pursuant to rules 2002(l), 2002(m), 2002(p), 2002(q) and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and rules 2002-1, 2002-4, 9006-1(b) and 9013-1(b) of the Local Rules of the United States Bankruptcy Court for the Southern District of New York (the “Local Rules”), for entry of an order (this “Order”), among other things: (i) scheduling September 20, 2023 or as soon thereafter as the Court’s schedule permits (the “Recognition Hearing Date”) as the hearing (the “Recognition Hearing”) on the relief sought in the Recognition Motion; (ii) setting September 8, 2023 at 5:00 p.m. (prevailing Eastern Time) as the deadline by which any responses or objections to the Recognition Motion must be

¹ The Debtors in these Chapter 15 Cases are (i) China Evergrande Group, incorporated in the Cayman Islands as an exempted company with limited liability with the registration number 170388, with its principal place of business located at 15th Floor, YF Life Centre, 38 Gloucester Road, Wanchai, Hong Kong; (ii) Tianji Holding Limited, incorporated in Hong Kong as a limited liability company with the registration number 1339269, with its principal place of business located at 17th Floor, One Island East, Taikoo Place, 18 Westlands Road, Quarry Bay, Hong Kong; and (iii) Scenery Journey Limited, incorporated in the British Virgin Islands (“BVI”) as a limited liability company with the company number 1970476, with its principal place of business located at 2nd Floor Water’s Edge Building, Wickham’s Cay II, Road Town, Tortola, British Virgin Islands.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

filed with the United States Bankruptcy Court for the Southern District of New York (this “Court”) and received by the Debtors (the “Objection Deadline”); (iii) approving the form and manner of notice of the Recognition Motion, Recognition Hearing, and Objection Deadline (the “Notice Procedures”), including the form of notice (the “Recognition Hearing Notice”) that is attached **Exhibit 1** to this Order; (iv) granting related relief as provided herein; and (v) granting such other relief as the Court deems just and proper; all as more fully set forth in the Motion; and this Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* M-431, dated January 31, 2012 (Preska, C.J.); and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. § 1410; and notice of the Motion having been given as provided in the Motion, and such notice having been adequate and appropriate under the circumstances; and it appearing that no other or further notice need be provided; and upon the record of all of the proceedings had before this Court; and this Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors, their estates, their creditors, and all parties in interest, and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted to the extent set forth herein.
2. The Recognition Hearing shall be held before this Court on **September 20, 2023 at 11:00 a.m.** (prevailing Eastern Time) or as soon thereafter as counsel may be heard, before the Honorable Michael E. Wiles, of the United States Bankruptcy Court for the Southern District of New York.

3. Parties wishing to appear at the Recognition Hearing, whether in a “live” or “listen only” capacity, must make an electronic appearance through the “eCourtAppearances” tab on the Court’s website no later than 4:00 p.m (prevailing Eastern Time) the business day before the Recognition Hearing (the “Appearance Deadline”) and not by emailing or otherwise contacting the Court. Following the Appearance Deadline, the Court will circulate by email the Recognition Hearing’s Zoom link to those parties who have made an electronic appearance. Additional information regarding the Court’s Zoom and hearing procedures can be found on the Court’s website.

4. Any objection to the Recognition Motion must be made in accordance with the Bankruptcy Code, the Local Rules of the United States Bankruptcy Court for the Southern District of New York, and the Federal Rules of Bankruptcy Procedure, in a writing that sets forth the basis for such objection with specificity and the nature and extent of the respondent’s claims against the Debtors. Any such objection must be filed electronically with the Court on the Court’s electronic case filing system in accordance with and except as provided in *General Order M-399* (a copy of which may be viewed on this Court’s website at www.nysb.uscourts.gov) and the Court’s Procedures for the Filing, Signing and Verification of Documents by Electronic Means, and served upon the Foreign Representatives’ counsel, Sidley Austin LLP, 787 Seventh Avenue, New York, New York 10019 (Attn: Anthony Grossi), so as to be received by **5:00 p.m. (prevailing Eastern Time) on September 11, 2023.**

5. If no response or objection is timely filed and served as provided above, this Court may grant the relief requested by the Foreign Representatives without further notice or hearing.

6. The Recognition Hearing may be adjourned from time to time without further notice other than a notice of adjournment on the docket in these Chapter 15 Cases or an announcement in open court of the adjourned date or dates of any further adjourned hearing.

7. The Recognition Hearing shall be a final and evidentiary hearing at which witnesses may testify.

8. The form of the Recognition Hearing Notice, substantially in the form attached hereto as **Exhibit 1**, is hereby approved. The Foreign Representatives may fill in any missing dates and other information as ordered by this Court, correct any typographical errors, conform the provisions thereof to the provisions of this Order, and make such other and further non-material, non-substantive changes to the form of the Recognition Hearing Notice as the Foreign Representatives deem necessary or appropriate.

9. Copies of the Notice Documents shall be served by electronic mail to the extent email addresses are available and otherwise by United States mail, overnight or first-class postage prepaid (provided that any exhibits may be served on compact disc or similarly widely accessible digital media storage format at the election of the Foreign Representatives), upon the Chapter 15 Notice Parties listed in **Exhibit B** attached to the Motion and the Scheme Creditors (to the extent the Debtors have notice information for such Scheme Creditors) within three (3) business days following entry of this Order. All other documents filed in the Chapter 11 Cases shall be served by electronic mail to the extent email addresses are available, and otherwise by overnight or first-class postage prepaid, upon the Chapter 15 Notice Parties.

10. If any party files a notice of appearance in these Chapter 15 Cases, the Foreign Representatives shall serve a copy of the Notice Documents on such party or its counsel within

three (3) business days following the filing of such notice of appearance if such documents have not already been served on such party (or its counsel).

11. The Foreign Representatives shall cause the Recognition Hearing Notice to be published in *The New York Times* within three (3) business days following the entry of this Order.

12. The notice requirements in section 1514(c) of the Bankruptcy Code are inapplicable in the context of this case and are hereby waived.

13. Service pursuant to this Order shall constitute good and sufficient service and adequate notice of the Recognition Hearing under Bankruptcy Rule 2002.

14. The Foreign Representatives are authorized to take all action necessary to carry out this Order.

15. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

16. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and enforcement of this Order.

Dated: New York, New York
August 18, 2023

/s/ Michael E. Wiles
UNITED STATES BANKRUPTCY JUDGE

Exhibit 1

Recognition Hearing Notice

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

China Evergrande Group, *et al.*,¹

Debtors in Foreign Proceedings.

Chapter 15

Case No. 23-11332 (MEW)

Joint Administration Requested

**NOTICE OF PETITION FOR RECOGNITION OF
FOREIGN PROCEEDINGS, MOTION FOR AN ORDER GRANTING
RECOGNITION OF FOREIGN PROCEEDINGS, AND RELATED RELIEF**

PLEASE TAKE NOTICE that on August 17, 2023, (i) Mr. Jimmy Fong, in his capacity as (a) the authorized foreign representative (the “Evergrande Foreign Representative”) for China Evergrande Group (“Evergrande”), which is subject to a restructuring proceeding entitled *In the Matter of China Evergrande Group* (the “Evergrande Hong Kong Proceeding”), concerning a scheme of arrangement between Evergrande and certain Scheme Creditors (as defined herein), pursuant to sections 670, 673, and 674 of the Hong Kong Companies Ordinance (Cap. 622) (the “Hong Kong Companies Ordinance”) and currently pending before the High Court of Hong Kong (the “Hong Kong Court”) (Case Number HCMP 1091/2023); (b) the authorized foreign representative (the “Tianji Foreign Representative”, and together with the Evergrande Foreign Representative, the “Hong Kong Foreign Representatives”) for Tianji Holding Limited (“Tianji”), which is subject to a restructuring proceeding entitled *In the Matter of Tianji Holding Limited* (the “Tianji Hong Kong Proceeding”, and together with the Evergrande Hong Kong Proceeding, the “Hong Kong Proceedings”), concerning a scheme of arrangement between Tianji and certain Scheme Creditors, pursuant to sections 670, 673, and 674 of the Companies Ordinance and currently pending before the Hong Kong Court (Case Number HCMP 1090/2023); and (ii) Ms. Anna Silver, in her capacity as the authorized foreign representative (the “Scenery Journey Foreign Representative”, and together with the Hong Kong Foreign Representatives, the “Foreign Representatives”) for Scenery Journey Limited (“Scenery Journey”, and together with Evergrande and Tianji, the “Debtors”), which is subject to a restructuring proceeding entitled *In the Matter of Scenery Journey Limited* (the “Scenery Journey BVI Proceeding”, and together with the Hong Kong Proceedings, the “Foreign Proceedings”), concerning a scheme of arrangement between Scenery Journey and certain Scheme Creditors, pursuant to section 179A of the BVI Business Companies Act, 2004 (the “BVI Companies Act”, and together with the Hong Kong Companies

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Ordinance, the “Foreign Company Acts”) and currently pending before the High Court of the Eastern Caribbean Supreme Court (the “BVI Court”, and together with the Hong Kong Court, the “Foreign Courts”) (Case Number BVIHCOM 2023/0076), filed voluntary petitions for relief under chapter 15 of title 11 of the United States Code (the “Bankruptcy Code”) for the Debtors and the *Motion for (I) Recognition of Foreign Main Proceedings, (II) Recognition of Foreign Representatives, and (III) Related Relief Under Chapter 15 of the Bankruptcy Code* (ECF No. ____) (the “Recognition Motion”)² with the United States Bankruptcy Court for the Southern District of New York (the “Court”).

PLEASE TAKE FURTHER NOTICE that, among other things, the Recognition Motion requests entry of an order recognizing the Foreign Proceedings as foreign main proceeding or, in the alternative, with respect to the Hong Kong Proceedings, as foreign nonmain proceedings pursuant to section 1517 of the Bankruptcy Code, granting related relief pursuant to section 1520 of the Bankruptcy Code, and granting certain additional relief pursuant to sections 1507 and 1521 of the Bankruptcy Code.

PLEASE TAKE FURTHER NOTICE that, the Court has scheduled a hearing to consider the relief requested in the Recognition Motion (the “Recognition Hearing”) at _____ a/p.m. (prevailing Eastern Time) on _____, 2023. The Recognition Hearing will be held before the Honorable Michael E. Wiles of the United States Bankruptcy Court for the Southern District of New York. The Recognition Hearing will be an evidentiary hearing at which witnesses may testify.

PLEASE TAKE FURTHER NOTICE that, parties wishing to appear at the Recognition Hearing, whether in a “live” or “listen only” capacity, must make an electronic appearance through the “eCourtAppearances” tab on the Court’s website no later than 4:00 p.m. (prevailing Eastern Time) the business day before the Recognition Hearing (the “Appearance Deadline”) and not by emailing or otherwise contacting the Court. Following the Appearance Deadline, the Court will circulate by email the Recognition Hearing’s Zoom link to those parties who have made an electronic appearance. Additional information regarding the Court’s Zoom and hearing procedures can be found on the Court’s website.

PLEASE TAKE FURTHER NOTICE that any objection to the Recognition Motion must be made in accordance with the Bankruptcy Code, the Local Rules of the United States Bankruptcy Court for the Southern District of New York, and the Federal Rules of Bankruptcy Procedure, in a writing that sets forth the basis for such objection with specificity and the nature and extent of the respondent’s claims against the Debtors. Any such objection must be filed electronically with the Court on the Court’s electronic case filing system in accordance with and except as provided in *General Order M-399* (a copy of which may be viewed on this Court’s website at www.nysb.uscourts.gov) and the Court’s Procedures for the Filing, Signing and Verification of Documents by Electronic Means, and served upon the Foreign Representative’s counsel, Sidley Austin LLP, 787 Seventh Avenue, New York, New York 10019 (Attn: Anthony Grossi), **so as to be received by 5:00 p.m. (prevailing Eastern Time) on _____, 2023**, with

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Recognition Motion.

a courtesy copy served upon the Chambers of the Honorable Michael E. Wiles, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004-1408.

PLEASE TAKE FURTHER NOTICE that if no objection is timely filed and served as provided above, the Court may grant the relief requested in the Recognition Motion without a hearing or further notice.

PLEASE TAKE FURTHER NOTICE that any party in interest objecting to the Recognition Motion or the relief requested therein must appear at the Recognition Hearing (unless ordered otherwise by the Court).

PLEASE TAKE FURTHER NOTICE that the Recognition Hearing may be adjourned from time to time without further notice other than an announcement in open court or a notice of adjournment filed with the Court.

PLEASE TAKE FURTHER NOTICE that copies of the Recognition Motion and all other documents filed in this case can be accessed from the Court's website, <http://ecf.nysb.uscourts.gov> (a PACER login and password are required to retrieve documents) or free of charge by visiting the Debtors' noticing and information agent Kroll Restructuring Administration LLC's website at <https://cases.ra.kroll.com/Evergrande>

PLEASE TAKE FURTHER NOTICE that this announcement is not an offer for sale of securities in the United States. Securities may not be offered or sold in the United States absent registration or an exemption from registration under the U.S. Securities Act of 1933, as amended.